

REMARKS

Applicants note with appreciation the Examiner's acknowledgement of applicants' foreign priority claim pursuant to 35 USC §119(a)-(d), as well as the Examiner's acknowledgement of applicants' Information Disclosure Statement and substantive consideration thereof.

Claims 1-18 are pending in the present application. Claims 1, 10 and 17 are independent claims. In the present submission, applicants have amended independent claims 1 and 10, without prejudice, to more distinctly recite the presently claimed invention. Applicants respectfully submit that no new matter is introduced by way of the proposed claim amendments, and prompt entry thereof is respectfully requested.

More specifically, applicants have amended independent claim 1 to recite, *inter alia*, that the digital color picture is transformed "by way of a color transformation for achieving a colorimetric correspondence between the digital color picture and a reference color test picture produced by way of an analog production line, wherein said color transformation is independent of parameters associated with said analog production line." Similarly, independent claim 10 has been amended to recite that the recited computer transforms the color space associated with a digital color picture "so that a colorimetric correspondence between the digital color picture and a reference color test picture produced by way of an analog production line is achieved, wherein said color transformation is independent of parameters associated with said analog production line." Support for the proposed claim amendments is found throughout the specification, as originally filed (see, e.g., page 4, line 23 to page 5, line 11; page 5, line 22, to page 6, line 6; and Figs. 2, 4 and 5).

Turning to the substantive aspects of the outstanding Office Action, applicants note with appreciation the Examiner’s determination that claims 17 and 18 patentably distinguish over the art of record. Applicants further note that the Examiner has determined that original claims 8, 9 and 16 would be allowable if amended to include all recitations of the based claim and any intervening claims. As discussed herein below, however, applicants respectfully submit that all claims are in condition for allowance. Accordingly, applicants have elected not to place claims 8, 9 and/or 16 in independent form.

With reference to the outstanding claim rejections, claims 1-7 and 10-15 are rejected under 35 USC §102(e) based on US Patent No. 6,671,067 to Adam et al. (the “Adam ‘067 patent”). Reconsideration is respectfully requested.

The Adam ‘067 patent is directed to a wholly distinct purpose/objective as compared to applicants’ claimed invention. This fundamental difference in purpose/objective translates to materially different processing schemes and system designs. More particularly, the Adam ‘067 patent is directed to a system wherein a scanner may be employed to achieve printer profiling. Indeed, the scanner in the Adam ‘067 patent is used in place of a spectral photometer. In distinct contrast, applicants’ claimed invention is directed to processes and apparatus for profiling of an original (e.g., negative film, positive film and the like). Thus, for at least the reasons noted herein, all presently pending claims patentably distinguish over the Adam ‘067 patent.

More specifically, the Adam ‘067 patent discloses that “printers are more difficult and time-consuming to profile because they do not emit light and require another device, properly calibrated, to measure the color data.” [Col. 5, lines 34-36; identically stated at

col. 5, lines 55-57.) The Adam '067 patent seeks to overcome this challenge by employing a scanner to profile a color printer in a non-closed loop system. The Adam system produces two profiles: a scanner profile and a printer profile. [Col. 6, line 42 et seq.] Adam et al. propose the generation of a print-out from the color printer that includes a "reference target." The print-out is scanned and a scanner profile is generated, the scanner profile including the reference target. Thus, the printer calibration target and the scanner calibration target are simultaneously scanned to reduce the potential for scanner-setting errors and that the two targets are scanned under identical conditions.

The Adam '067 patent uses the reference target data to generate a scanner profile, and processes the print target data with the scanner profile to produce uncompensated printer profile data. The uncompensated printer profile data is used to generate a compensation transform. As a net result, a printer profile is built and stored.

In distinct contrast, applicants' claimed method and apparatus advantageously transform a digital color picture to achieve a colorimetric correspondence between the digital color picture and a reference color test picture produced by way of an analog production line. Thus, unlike the systems/techniques of the Adam '067 patent, applicants' claimed method and apparatus are effective in profiling originals, e.g., negative film, positive film, etc. Moreover, applicants' recited color transformation is not impacted by the analog production line, i.e., the analog production line used to generate the analog images.

Not only does the Adam '067 patent fail to teach a color transformation for achieving colorimetric correspondence between a digital color picture and a reference color test picture from an analog production line, but the Adam '067 patent fails to suggest

the potential desirability of employing a reference target from any source other than a printer. Accordingly, applicants respectfully submit that the presently claimed methods and apparatus – which expressly recite color transformations for achieving colorimetric correspondence between a digital color picture and a reference color test picture produced by way of analog production line – patentably distinguish over the Adam ‘067 patent.

In this regard, it is specifically noted that the teachings of the Adam ‘067 patent are directed to printer-specific profiling based on scanning of targets derived from a specific printer. In distinct contrast, the color transformations employed according to applicants’ claimed methods/apparatus are independent of the analog production line used to generate the underlying color test picture. Thus, applicants’ claimed method/apparatus operate in a fundamentally different way than contemplated by the Adam ‘067 patent, implementing color transformations that are independent of and uninfluenced by the specific analog production line associated with generation of the underlying color test picture.

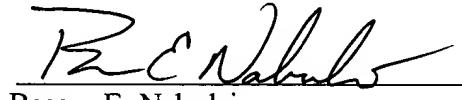
For at least the foregoing reasons, applicants respectfully submit that independent claims 1 and 10, as amended, patentably distinguish over the Adam ‘067 patent. Moreover, applicants respectfully submit that all pending dependent claims, i.e., claims 2-9 and 11-16 (which depend directly or indirectly from the foregoing independent claims) are patentable for the reasons noted with respect to independent claims 1 and 10. Applicants further note that at least dependent claims 8, 9 and 16 are independently patentable over the art of record.

For at least the foregoing reasons, applicants respectfully submit that all claims are now in condition for allowance. Reconsideration and withdrawal of the outstanding rejections based on the Adam ‘067 patent are respectfully requested. In addition, prompt

issue of a Notice of Allowance is earnestly solicited. If the Examiner believes that prosecution might be advance through a telephone conversation with applicants' attorney, the Examiner is invited to contact the undersigned at the noted number.

Respectfully submitted,

Date: January 6, 2006


Basam E. Nabulsi
Reg. No. 31,645
Attorney for Applicants

McCARTER & ENGLISH, LLP
CityPlace I
185 Asylum Street, 36th Floor
Hartford, CT 06103-3495
(203) 965-0601

I hereby certify that this Amendment and Response is being deposited with the United States Postal Service as first class mail, postage prepaid, addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 6, 2006.

Dated: January 6, 2006


Basam E. Nabulsi